

## MEMORANDUM

**FROM:** The Conveners  
**TO:** Expert Panels  
**DATE:** 24 October 2025  
**SUBJECT:** SUSPENSIONS UNDER THE FAST- TRACK  
APPROVALS ACT 2024

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[1] This Memorandum provides guidance to panels under the Fast-track Approvals Act 2025 (FTAA) regarding suspensions, in particular applicant requested suspensions under section 64.

[2] Clause 7.1 of the FTAA: Panel Conveners' Practice and Procedure Guidance (Guidance) states:

In the event of such a suspension, all proceedings cease including the work of the panel.

[3] Because the FTAA is not clear regarding what can or cannot be done during a suspension, clause 7.1 while correct, requires elaboration. The Guidance is set to be reviewed in the first quarter of 2026, but it is important that the issue covered in this Memorandum is dealt with early for those panels currently in progress.

[4] Panels have discretion whether to grant or decline an application to suspend processing of an application (s 64). If a request to suspend is granted, both the processing of the application and the timeframe for releasing a decision are suspended (s 60 and 64).

[5] It is important for that discretion to be carefully exercised, and for the Panel to consider the implications of any suspension that may be granted. Once processing resumes, neither the Panel Convener nor the Panel can amend the timeframe for a decision. Depending on the length of time an application is suspended, members of the Panel may be unavailable or, potentially, the balance of the time frame may not be sufficient to:

- (a) process further information or reports filed by an applicant; or
- (b) seek information or reports from participants in response (s 67).

[6] For these reasons, the Panel Conveners strongly recommend that where an applicant requests a suspension, consideration be given to the following matters when exercising the discretion:

- (a) Whether all tasks and workstreams that comprise "processing" need to be suspended;
- (b) Whether there are previously scheduled tasks or procedural steps (for example, expert conferencing) that should be permitted to proceed regardless of a suspension that the Panel may be minded to grant, or that might be allowed to proceed prior to a suspension taking effect;
- (c) What the cost recovery implications are of permitting some processing tasks or steps to proceed during a suspension;
- (d) Whether the Panel wishes to continue with its evaluation or decision-making work during a suspension;
- (e) Whether the EPA administration staff are able to continue supporting the Panel with administrative tasks that do not constitute "processing" during the suspension.

[7] "Processing" is not an exhaustive definition and may include the work of the Panel, Special Advisors, and other agencies in performing or exercising their functions, duties, or powers and who may recover costs through the EPA pursuant

to s 104. Any suspension decision that identifies processing work that should continue during the period of the suspension must record expressly that the applicant's agreement has been obtained to the continuation of that work.

[8] A decision on suspension should be documented carefully, addressing the matters going to the exercise of the discretion and giving reasons why any specific processing activities are able to proceed during the period of the suspension.

[9] As noted in various places in the Guidance Note, Panels must be cognisant of both their duties under section 10 FTAA and of the fact that applicants are paying for the fast-track application process.

[10] If panels need particular assistance in relation to an application, they are dealing with please contact the relevant Panel Convener .

Jane Borthwick, Helen Atkins and Jennifer Caldwell

Panel conveners for the purpose of the Fast-track Approvals Act 2024